

## ***Remarks***

As stated above, Applicant appreciates the Examiner's thorough examination of the subject application and requests the reexamination and reconsideration of the subject application in view of the preceding amendments and the following remarks.

Applicant thanks the Examiner for the telephonic interview of 24 June 2008, during which the suitability of amending the specification, consistent with FIG. 1, to permit the creation of a Beauregard claim. As discussed, the subject matter incorporated into the specification is believed to be supported by FIG. 1. As such, no new matter is believed entered by the amendment to the specification.

As of the Office action mailed January 28, 2008, claims 1-27 are pending in the subject application, of which claims 1 and 18 are independent claims. With this response, the Applicant has amended claims 1-17 and cancelled claims 18-27.

In regard to items 2 and 3 of the office action, Applicant hereby affirms the provisional election, made during the telephone conversation of 20 November 2007, to prosecute the invention of group 1, including claims 1-17. The claims directed at the non-elected group (i.e., claims 18-27) have, accordingly, been cancelled.

In regard to item 4 of the office action, the Examiner rejected claims 1-17 under 35 U.S.C. § 101 because "nothing in the disclosure indicates the disclosed limitations . . . are anything more than *software alone*." Office Action, Page 3-4, Item 4 (emphasis original). Applicant has amended independent claim 1 to include, in relevant part, a "computer program residing on a computer readable medium having a plurality of instructions, which, when executed by a processor, cause the processor to perform operations . . . ." The Applicant has also replaced the term "system" with the term "computer program" in claims 2-17, ultimately

depending upon independent claim 1. It is Applicant's understanding that the amendment to claim 1 is consistent with the holding that software, stored on a storage device, is patentable subject matter. See In re Beauregard, 53 F.3d 1583 (Fed. Cir. 1995).

In support the amendment of claims 1-17, Applicant has amended the Specification of the subject application, adding the following paragraphs:

[0060.1] \_A computer program may be a collection of instructions and/or definitions that describe a task or set of tasks to be carried out by a computer.

[0060.2] Computer readable media may be any sort of physical device that can store data and be read by a computer, including but not limited to CDs, DVDs, ROM, RAM, Hard Disks, and Flash Memory Drives.

The foregoing amendment is believed to support the creation of a valid Beauregard preamble. Further, the foregoing amendment is not believed to introduce new matter, as the subject matter is believed to have already been presented in the subject application as originally filed. (See Subject Application, Figure 1 and Paragraph [0026]). The terminology used in the amendment is common within the art, and would be appreciated by one having skill in the art, based upon the subject application as originally filed. The Examiner has confirmed in the telephonic interview on 24 June 2008 that the amendments to the Specification are acceptable in view of the information already contained in the subject application.

Applicant believes that the amendments to independent claim 1 and dependent claims 2-17, in light of the amendments to the Specification, overcome the rejection of claims 1-17 under § 101. Accordingly, Applicant respectfully requests withdrawal of the § 101 rejection of claims 1-17.

In regard to items 5 and 6 of the office action, the Examiner rejects claims 1-2, 5-7, and 9-16 (of which only claim 1 is independent, with claims 2, 5-7, and 9-16 ultimately depending thereupon) under 35 U.S.C. § 102(e) over U.S. Patent No. 6,901,595 (Mukundan).

According to the office action the Examiner appears to believe that there is similarity between some features of Mukundan FIG. 2 and the elements of claim 1. The Examiner is understood to reject claim 1 under § 102 because of this similarity, citing the assertedly anticipatory disclosure in Mukundan of:

a portal connected to user interface (UI) components . . . ;

application logic linking the UI components to a repository layer and connectivity layer through an object access layer . . . and

source systems linked to the repository layer and the connectivity layer . . . .

Office Action, Pages 4-5, Item 6. The Examiner appears to find that four elements utilized by Dedicated Web Client 200 of Mukundan FIG. 2 – USER INTERFACE, DATA MANAGER, OBJECT MANAGER and DATABASE 290 – anticipate the four elements of claim 1, namely UI; repository layer; application logic linking the UI, repository layer and connectivity layer; and source systems.

The subject application's Specification, however, describes functions and features that do not appear to be included in the Mukundan disclosure. For example, the subject application's Specification discloses:

[0039] The single management tool includes systems and methods to facilitate generation of new applications within the enterprise management system 512. The new applications, generally referred to as cross-functional or composite applications, draw on resources of the enterprise bas systems 516 to cross over traditional application boundaries and handle new business scenarios in a flexible and dynamic manner.

[0049] The object modeling tool, process modeling tool and user interfaces are used to build components of cross-functional applications to implement new

enterprise management functions without requiring detail coding development by a system architect or programmer.

Subject Application paragraphs 39, 49 (emphasis added). The subject application's Specification discloses facilitating the generation of new applications without requiring detailed coding on the part of a code developer. This concept does not appear to be included in Mukundan.

As amended, claim 1 includes "using one or more object modeling tools, one or more process modeling tool, and the one or more UI component to build components of cross-functional applications." Because Mukundan is not understood to describe this component building capability, Applicant respectfully submits that claim 1, as amended, is allowable under § 102, as such features are not understood to be disclosed, or even suggested by, Mukundan. Accordingly, Applicant respectfully requests withdrawal of the § 102 rejection of independent claim 1 and of claims 2, 5-7, and 9-16, ultimately depending thereupon.

In regard to items 7- 8 of the office action, Examiner rejects claims 3-4 under 35 U.S.C. § 103(a) over Mukundan in view of WAP Forum, "Wireless Application Protocol White Paper", June 2000 ("WAP White Paper"). As discussed above, independent claim 1 (upon which claims 3-4 ultimately depend) has been amended to include, in relevant part, "using one or more object modeling tools, one or more process modeling tool, and the one or more UI component to build components of cross-functional applications." As discussed above, Mukundan is not understood to teach this feature of the claimed invention. Similarly, WAP White Paper is also not understood to disclose this feature, nor has it been asserted to teach or suggest such feature. Accordingly, Applicant respectfully request the withdrawal of the rejection of claims 3-4 (ultimately depending upon independent claim 1) under 35 U.S.C. § 103(a) over Mukundan in view of WAP White Paper.

In regard to item 9 of the Office action, the Examiner rejects claims 8 and 17 under 35 U.S.C. § 103(a) over Mukundan in view of U.S. Patent No. 7,260,617 (Bazinet et al.). Applicant respectfully submits that neither Mukundan nor Bazinet et al. are understood to disclose, suggest or contemplate "using one or more object modeling tools, one or more process modeling tool, and the one or more UI component to build components of cross-functional applications," as recited by amended independent claim 1, upon which claims 8 and 17 ultimately depend. Therefore, Applicant respectfully submits that claims 8 and 17 are patentable under § 103(a) over Mukundan in view of Bazinet et al. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejection of claims 8 and 17.

In light of the amendments and discussion above, Applicant respectfully asserts that the subject application is in condition for allowance. Early allowance of the subject application is respectfully solicited. The Examiner is invited to telephone Applicant's attorney (@ 617-305-2143) to facilitate prosecution of this application.

This response should not necessitate any additional fees. However, in the event that additional fees are due, please charge or credit any refund to Deposit Account No. 50-2324, referencing Docket No. 103580-00024.

Respectfully Submitted

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